

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas

FILED

May 24, 2024

United States of America
v.
Javier Francisco VILLALBA-Reyes

Case No. C-24-236M

Nathan Ochsner, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 23, 2024 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section
Title 21 USC Section 841

Offense Description
did knowingly and intentionally possess with intent to distribute approximately
45.78 kilograms gross weight of cocaine, a Schedule II Controlled Substance

This criminal complaint is based on these facts:
PLEASE SEE ATTACHMENT

☒ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on:
Date: 05/24/2024

City and state: Corpus Christi, Texas



Complainant's signature

Clay Odom, HSI Special Agent

Printed name and title



Judge's signature

Julie K. Hampton, U.S. Magistrate Judge

Printed name and title

ATTACHMENT

1. On May 23, 2024, at approximately 1:30 a.m., United States Customs and Border Protection (CBP), Border Patrol Agents (BPAs) working at the Falfurrias checkpoint located on Highway 281 near Encino, Texas, encountered a 2015 Kenworth tractor, hauling a trailer as it approached the primary lane for immigration inspection of its occupant. Javier Francisco VILLALBA-Reyes, a Mexican national with a B1/B2 Visa and work permit, was identified as the driver of the tractor-trailer.
2. VILLALBA told the primary agent he was hauling a load of broccoli from McAllen, Texas to Indiana, and had been working as a truck driver for approximately one month. The primary agent asked VILLALBA if he was responsible for the contents of the truck and trailer, and he stated he was responsible for all the contents. During the immigration inspection, a Canine Enforcement Agent (CEA) used his service canine to conduct a free-air sniff of the tractor and trailer. The canine alerted to the driver's side of the tractor. The primary agent then asked VILLALBA for consent to search the truck and trailer. VILLALBA granted consent to the agents, and he was directed into the secondary area. In the secondary area, a systematic search of the tractor-trailer by the CEA and his service canine resulted in an alert to the interior of the tractor cabin. The tractor and trailer were then referred to Z-Portal (x-ray) for a non-intrusive examination.
3. An x-ray analysis of the tractor by the Z-Portal operator revealed anomalies in the driver and passenger side sleeper walls of the cab. Secondary agents were advised of the anomalies and began a further inspection.
4. A physical search of the sleeper walls resulted in the discovery of forty (40) brown cellophane-wrapped bundles stacked inside the walls, with a cord attached to the bundles. A white powdery substance was removed from one of the bundles, and the substance field-tested positive for the properties of cocaine. The total weight of the bundles was approximately 45.78 kg. VILLALBA was detained and escorted into the checkpoint offices, pending an interview by United States Homeland Security Investigations (HSI) Special Agents (SA).
5. HSI Special Agents and HSI Task Force Officers (TFOs) responded to the Falfurrias checkpoint and interviewed VILLALBA. VILLALBA was read his *Miranda* warning in the Spanish language. VILLALBA stated he understood the *Miranda* warnings, waived his rights, and agreed to provide a statement without the presence of an attorney.
6. In his post-*Miranda* interview, VILLALBA claimed he had no knowledge of the narcotics hidden within the tractor. VILLALBA admitted picking up the tractor-trailer on the side of a highway near Monterrey, Nuevo Leon, Mexico, from an unknown Mexican national. VILLALBA claimed he entered the United States through the Roma, Texas, Port of Entry (POE) at approximately 7:00 p.m. on Tuesday, May 21, 2024, and was transporting peppers from Mexico. VILLALBA claimed he dropped off the peppers at Sweet Season, in McAllen, Texas.
7. VILLALBA claimed that after he dropped off the peppers in McAllen, he drove to the Pilot truck stop located off Hwy 281 near Monte Cristo Road, arriving at approximately 12:30 a.m. on Wednesday, May 22, 2024. VILLALBA stated he stayed at the truck stop until departing for USAMEX Cold Solutions located at in McAllen. He stated the broccoli he was hauling was loaded at USAMEX Cold Solutions, and after the trailer was loaded, he departed for Indianapolis, Indiana.
8. VILLALBA claimed that since taking possession of the tractor in Mexico on March 21, 2024, he has had control of the tractor and its keys. CBP images from the non-intrusive x-ray conducted on March 21, 2024, at the Roma POE, do not show any anomalies in the sleeper walls when VILLALBA made entry into the United

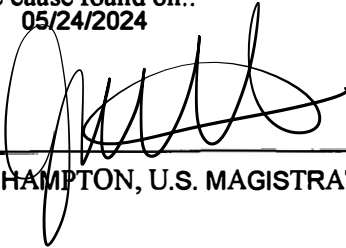
States. Border Patrol images of the same tractor from the non-intrusive x-ray conducted on May 23, 2024, revealed anomalies within the sleeper walls that depicted the stacked bundles of narcotics.

9. HSI Special Agents contacted Assistant United States Attorney (AUSA) Liesel Roscher and advised her of these facts. AUSA Roscher accepted the prosecution of Javier VILLALBA for violating Title 21, United States Code, Section 841, Possession of a Controlled Substance with Intent to Distribute. AUSA Roscher also approved the filing of this Criminal Complaint and Attachment.



Clay Odom, HSI Special Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on:.
Date: 05/24/2024



JULIE K. HAMPTON, U.S. MAGISTRATE JUDGE